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Notice of Allowability

Application No.

09/615,342

Examiner

Hung X Dang

Applicant(s)

PARISI, RICHARD

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1140/2006 May 3, 2006.
2. ☒ The allowed claim(s) is/are 7 and 9-17.
3. ☒ The drawings filed on 12 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No. _____.
(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☒ Notice of References Cited (PTO-892)
3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____.
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
4 ☒ Interview Summary (PTO-413), Paper No. _____.
6 ☒ Examiner's Amendment/Comment
8 ☒ Examiner's Statement of Reasons for Allowance
9 ☐ Other

Hung Xuan Dang
Primary Examiner

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Kroll on 3/23/05.

All subject matter of new claims 7 and 9-17 with respect to the patent have been underlined

7. (Presently Amended) An infant eye trainer selectively and releasably secured to a baby bottle, said infant eye trainer comprising:

a) means for releasably gripping the baby bottle;

b) an elongated member connected to and extending from said gripping means; and

c) a visually stimulating ornament connected to and limited to a free end of said elongated member opposite said gripping means and held at a distance from eyes of an infant while feeding from the bottle by said elongated member whereby said visually stimulating ornament is visible to the infant, wherein said elongated member is adapted to permit deployment of said ornament beyond a distal end of said baby bottle while said infant is using said baby bottle, said bottle being about 4 inches long and said extension member extends at least about 2 inches past said gripping means and said ornament being at least 6 inches from the eyes of said infant.

9. (Currently Amended) The infant eye trainer as claimed in claim 7,
wherein the distance at which said elongated member extends is measured along an
axis parallel to a longitudinal axis of the bottle.

10. (Previously Amended) The infant eye trainer as claimed in claim 7,
wherein said visually stimulating ornament is positioned substantially 7 to 10 inches from
the eyes of the baby when said gripping means is gripping the baby bottle.

11. (Previously Amended) The infant eye trainer as claimed in claim 7,
wherein said gripping means, elongated member and visually stimulating ornament are
integrally formed from a similar type of material.

12. (Previously Amended) The infant eye trainer as claimed in claim 7,
wherein said visually stimulating ornament is a flat, generally round head shape.

13. (Previously Amended) The infant eye trainer as claimed in claim 12,
wherein said flat, generally round head shape has clear edges.

14. (Previously Amended) The infant eye trainer as claimed in claim 13,
wherein said visually stimulating ornament includes a cartoon type face positioned on
said flat, generally round head shape.

15. (Previously Amended) The infant eye trainer as claimed in claim 14,
wherein said visually stimulating ornament further includes a pair of loop ears on a top
portion of said flat head.

16. (Previously Amended) The infant eye trainer as claimed in claim 7,
wherein said material is plastic.

17. (Previously Amended) The infant eye trainer as claimed in claim 7,
wherein said material is rubber.

Reasons For Allowance

2. The following is an Examiner's Statement of Reasons for Allowance:

The prior art taken either singly or in combination fails to anticipate or fairly suggest that which the Applicant claims in claim 7 in a manner which would warrant a rejection under 35 U.S.C. § 102 or 35 U.S.C. § 103.

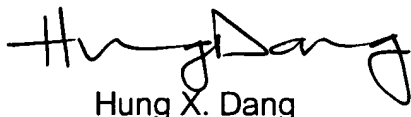
The prior art fails to teach a combination of all the claimed features as present in independent claim 7, which include an elongated member is adapted to permit deployment of said ornament beyond a distal end of said baby bottle while said infant is using said baby bottle, said bottle being about 4 inches long and said extension member extends at least about 2 inches past said gripping means and said ornament being at least 6 inches from the eyes of said infant.

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Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (703) 308-0550.

3/05

A handwritten signature in black ink, appearing to read 'Hung X. Dang', with a stylized, cursive script.

Hung X. Dang

Primary Examiner

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